

REMARKS

This is a full and timely response to the Final Office Action mailed August 23, 2005.

Applicant appreciates the time Examiner Amini spent with Applicant's attorney during a telephone discussion on October 14, 2005. This discussion resulted in an agreement that certain amendments will be entered through an Examiner's Amendment, thereby resulting in allowance of at least claims 6, 8 – 13, 19, 21 – 28, 30 – 35, and 38 – 42. Accordingly, Applicant submits that all objections and/or rejections in the Final Office Action have been overcome and the case should be passed to issuance.

Applicant emphasizes that any amendments agreed upon are made solely to advance prosecution and are made without prejudice, waiver, or disclaimer to the Applicant.

Additionally, Applicant requests that a form PTO-892 (Notice of References Cited) be submitted, clearly identifying all newly considered references discovered from the search performed on August 15, 2005 (part of paper 20050815), apparently searching class 345, subclass 619. Specifically, the form PTO-892 should include at least the reference referred to as *Primrose* in the Final Office Action.

If, for any reason, the case is not passed to issuance, the Applicant requests a Renewed Reply Period for responding to the Final Office Action pursuant to MPEP § 710.06 due to errors in the Final Office Action resulting in an unclear basis of rejection.

Specifically, the Final Office Action refers to, for the very first time, a reference cited only as *Primrose*, without any additional citation, so as to preclude

Applicant from understanding the basis of the 35 U.S.C. § 103 rejection. In fact, no new form PTO-892, identifying any newly considered references, appears in the record. Applicant requests that such references be clearly identified for the record.

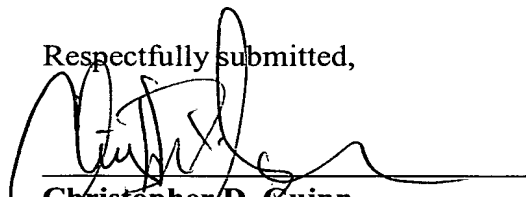
Accordingly, if the case is not allowed pursuant to the Examiner Amendment, Applicant requests that the Examiner set forth an identifying citation for *Primrose*, and set a renewed period to respond to the Final Office Action.

CONCLUSION

The Applicant respectfully submits that all claims are now in condition for allowance, and requests that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Agilent Technologies, Inc.'s deposit account no. 50-1078.

Respectfully submitted,



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